

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CAITLIN O’CONNOR,)	
)	Case No. 3:20-cv-00628
Plaintiff,)	
)	District Judge Richardson
v.)	
)	Magistrate Judge Frensley
THE LAMPO GROUP, LLC,)	
)	Jury Demand
Defendant.)	

AMENDED CONFIDENTIALITY ORDER

Before the Court is a motion filed by Defendant, The Lampo Group, LLC, to enter this Amended Confidentiality Order (Doc. # 45). After reviewing Defendant’s motion and given no opposition from Plaintiff, Defendant’s motion is GRANTED and the Court ORDERS the following:

1. This Order will govern information and documents designated by any party as “Confidential” or “Attorney’s Eyes Only.”
2. Any party may, in good faith, designate the following types of information or documents as Confidential:
 - a. Plaintiff’s protected health information;
 - b. Plaintiff’s financial information;
 - c. Information regarding Plaintiff’s employment with Defendant;
 - d. Information regarding current and former employees of Defendant ~~who are~~ similarly situated to Plaintiff; and;
 - e. Information regarding Defendant’s business that is not generally known to, nor readily ascertainable by, the public; and

e.f. Any other information ~~agreed upon by~~with the written consent of all other parties.

3. Any party may designate information or documents described in Section 2 as Attorney's Eyes Only (i) if they believe, in good faith, that the practical value of disclosing the information or documents to the other parties is substantially outweighed by the privacy and/or commercially related risks of disclosure or (ii) with the written consent of all other parties.

~~3.4.~~The parties will designate information or documents as Confidential or Attorney's Eyes Only as follows:

- a. A document may be designated as Confidential or Attorney's Eyes Only by (i) affixing the term **CONFIDENTIAL or ATTORNEY'S EYES ONLY** on the document or (ii) providing a Confidentiality Log to the other parties that identifies and designates the document;
- b. A tangible object, other than a document, may be designated as Confidential or Attorney's Eyes Only by (i) affixing the term **CONFIDENTIAL or ATTORNEY'S EYES ONLY** on the object or (ii) providing a Confidentiality Log to the other parties that identifies and designates the object; and
- c. Deposition testimony may be designated as Confidential or Attorney's Eyes Only by (i) identifying and designating the testimony on the record during the deposition or (ii) after receipt of the deposition transcript, providing a Confidentiality Log to the other parties that identifies and designates the testimony.

4.5. The parties will only use information and documents designated as Confidential or Attorney's Eyes Only for purposes of this case and any appeals therefrom. However, this Order does not restrict a party's use of information or documents that were in their lawful possession at the commencement of this case.

5.6. Information designated as Confidential may only be disclosed to the following:

- a. The parties;
- b. The parties' attorneys of record in this case and their staff;
- c. Outside consultants (including expert witnesses) engaged by a party, but only if they are first provided with a copy of this Order and agree in writing to be bound by it;
- d. Court reporters and their staff who are engaged to record, transfer, and/or store deposition transcripts and/or video depositions during this case and any appeals therefrom;
- e. Mediators selected by the parties to attempt to mediate this case and their staff;
- f. The Court and its staff;
- g. The Jury; and
- h. Anyone else ~~upon~~with the written consent of the designating party.

7. Information designated as Attorney's Eyes Only may only be disclosed to the following:

- a. The parties' attorneys of record in this case and their staff;
- b. Outside consultants (including expert witnesses) engaged by a party, but only if they are first provided with a copy of this Order and agree in writing to be bound by it;

- c. Court reporters and their staff who are engaged to record, transfer, and/or store deposition transcripts and/or video depositions during this case and any appeals therefrom;
- d. Mediators selected by the parties to attempt to mediate this case and their staff but only if they are first provided with a copy of this Order and agree in writing to be bound by it;
- e. The Court and its staff but only after the disclosing party follows the rules for disclosure identified below; and
- f. Anyone else with the written consent of the designating party.

6.8. The parties will resolve any disagreements regarding the designation of information or documents as Confidential or Attorney's Eyes Only pursuant to the Court's procedures for discovery disputes.

7.9. Any party who ~~files~~ desires to file information or documents that have been designated as Confidential ~~must move~~ or Attorney's Eyes Only will follow the ~~Court for leave to do so under seal.~~ procedures established in accordance with Local Rule 5.03 and as established by the Sixth Circuit in *Beauchamp v. Fed. Home Loan Mortg. Corp.*, 658 Fed. Appx. 202, 207-208 (6th Cir. 2016) (quoting *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305–06 (6th Cir. 2016)). The party who designated the information or documents will bear the burden of proving—either via a motion for leave to file under seal or response thereto—that the information or documents should be sealed.

8.10. This Order will remain in effect following the conclusion of this case. Within 45 days of the conclusion of this case and any appeals therefrom, each party will return or destroy all information and documents in their possession that have been designated by

another party as Confidential- or Attorney's Eyes Only. However, the parties may retain any information and documents that were in their lawful possession at the commencement of this case.

IT IS SO ORDERED.

JEFFREY S. FRENSLEY
United States Magistrate Judge